

BILL NO. 19-070

ORDINANCE NO. 19054

AN ORDINANCE AMENDING ARTICLE 3, "SAFE STREETS REGULATIONS," OF CHAPTER 12 OF THE INDEPENDENCE CITY CODE.

WHEREAS, the City Council adopted the City of Independence "Safe Streets Regulations" in 1995, which prohibits the transfer of weapons in the City to minors without the consent of their parent or guardian; and,

WHEREAS, the City Council remains concerned with the unlawful transfer of weapons in the City and that persons less than eighteen years old may not have received consent from their parent or guardian when receiving a firearm as required pursuant to Section 571.060, of the Revised Statutes of Missouri; and,

WHEREAS, the City Council desires to confirm and update its commitment to its "Safe Streets Regulations"; and,

WHEREAS, the City Council of the City of Independence, Missouri desires to adopt the amendments to Article 3 of Chapter 12 of the Independence City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Article 3 "Safe Streets Regulations", of the Independence City Code, be and is hereby amended with the deletion of the stricken language, and the addition of the underlined language, to read as follows:

ARTICLE 3. SAFE STREETS REGULATIONS

SEC. 12.03.001. PROHIBITION AGAINST POSSESSION OF WEAPONS BY MINORS

A. It shall be unlawful for any minor under the age of ~~17~~ 18 years to possess in public, firearms, or any deadly weapon within the corporate limits of the City of Independence, unless under the safe supervision and in the presence of a parent, guardian, or the designee, over the age of 21, of a parent or guardian. As used in this section, the expression "deadly weapon" means a knife with a blade of over four inches, brass knuckles, nunchucks, blackjacks, nightsticks, explosive weapon, projectile weapon or any other instrument designed to inflict physical injury or serve as a weapon and/or any instrument actually used to inflict or threaten to inflict physical injury. Nothing in this section shall be construed as prohibiting the safe transport of unloaded rifles or shotguns through the City of Independence by minors under the age of ~~17~~ 18 years for the purpose of hunting, target shooting, or attending organized firearms safety training activities.

B. It shall be unlawful for any parent or legal guardian to knowingly furnish a firearm to a minor under the age of ~~17~~ 18 years for possession or use within the City of Independence without the minor having been first instructed in the safe handling of same in accordance with standards published by ~~the National Rifle Association or an equivalent program~~ a nationally recognized firearms certification program. The burden shall be on the parent or guardian to prove compliance with this requirement.

C. It is unlawful for any person to possess any firearm or deadly weapon upon any school grounds, within any park, playground or public building or public facility within the corporate limits of the City of Independence unless such person is otherwise permitted by law to do so.

D. Any employee of a public governmental body who has actual knowledge of the possession of a firearm or deadly weapon by any other person upon school grounds or within any park, playground, public building, or public facility within the corporate limits of the City of Independence has an affirmative duty to report same to the Independence Police Department. Any failure to report such known possession is unlawful.

E. Any person found in violation of any of the prohibitions set out hereinabove shall be punished as set forth in this chapter of the City Code of Independence. For the purposes of this section, each day during which the prohibited conduct occurs or continues shall be deemed as a separate offense.

F. Nothing contained herein shall be read or construed as preventing law enforcement officials from, in proper circumstances, foregoing commencement of proceedings under this section when, in the judgment of those officials, it would be appropriate to institute a proceeding under relevant state criminal law.

SEC. 12.03.002. PROHIBITED WEAPONS.

A person commits a crime if he or she knowingly possesses, manufacturers, transports, repairs, sells, or displays a switchblade knife or knuckles.

SEC. 12.03.003. UNLAWFUL USE OF WEAPONS.

A. A person commits the crime of unlawful use of weapons if he or she knowingly:

1. Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
2. Discharges a firearm, projectile weapon or explosive weapon or sets a spring gun; or
3. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle, or any building or structure used for the assembling of people; or
4. Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
5. Possesses or discharges a firearm or projectile weapon while intoxicated; or
6. Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or
7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
8. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal government, State government, or political subdivision thereof; or
9. Discharges or shoots a firearm at or from a motor vehicle, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was

lawfully acting in self-defense; or

10. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

B. Subdivisions “1”, “3”, “4”, “6”, “7”, “8”, “9” and “10” of Paragraph A of this Section shall not apply to or effect any of the following:

1. All State, County and Municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to State law, and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency’s jurisdiction, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of a crime;
3. Members of the armed forces or national guard while performing their official duty;
4. Those person vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary
5. Any person whose bona fide duty is to execute process, civil or criminal;
6. Any Federal probation officer;
7. Any State probation or parole officer, including supervisors and members of the board of probation and parole;
8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under Section 84.340, RSMo; and
9. Any coroner, deputy coroner, medical examiner, or assistant medical examiner.

C. Subdivisions “1”, “5”, “8” and “10” of Paragraph A of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision “1” of Paragraph A of this section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subdivision “10” of Paragraph A of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or

from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

~~D. Subdivisions “1”, “8” and “10” of paragraph A of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to State law or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.~~

~~—ED.~~ Subdivisions “3”, “4”, “5”, “6”, “7”, “8”, “9” and “10 of Paragraph A of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to State law.

~~—FE.~~ Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

~~—GE.~~ The prohibition on discharging a firearm in subdivision 2 of Paragraph A of this Section shall not apply to the discharge of firearms on property owned by the person discharging the firearm or by the invitees of the owner provided that a Special Event Permit has been issued, the property is zoned R -A (Residential — Agricultural), exceeds 20 acres in size, is at least one mile from a school, the firearm is not discharged within 300 feet of a neighboring property or roadway, and that the projectiles from the firearm does not leave the property where they are discharged.

SEC. 12.03.004. FIREARMS IN CITY BUILDINGS.

A. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Section 571.094 RSMo. or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building or any park owned, leased or controlled by the City.

B. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City and at park entrances stating that entry while carrying firearms is prohibited. Where the City owns, leased or controls only a portion of a building, signs shall be posted at each entrance to that portion of a the building stating that carrying of firearms is prohibited.

C. This section shall not apply to buildings owned by the City but leased in their entirety to a non-public entity or operated by a management company under contract with the City, unless said entity or management company chooses to prohibit firearms and posts signs at the entrance of the building stating that the carrying of firearms is prohibited.

SEC. 12.03.005. UNLAWFUL TRANSFER OF WEAPONS.

A person commits the crime of unlawful transfer of weapons if he or she (1) knowingly sells, leases, loans, gives away or delivers a knife, rifle, shotgun, or blackjack to a person less than twenty-one (21) years old without the consent of the child's custodial parent or guardian, or recklessly sells, leases, loans, gives away, or delivers any other firearm to a person less than twenty-one (21) years old; provided that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard of performing for the performance of his or her duty; or (2) recklessly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

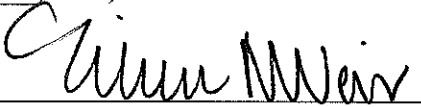
SECTION 2. That the effective date of this ordinance shall be January 1, 2020 and Ordinance No. 12962 shall remain in effect until that date.

SECTION 3. That Ordinance No. 92162 and all other ordinances or parts of ordinances in conflict herewith shall hereby be repealed on the effective date of this ordinance.

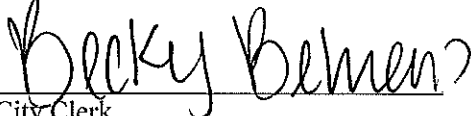
SECTION 4. That all other parts and provisions of Article 3 of Chapter 12 not amended or repealed herein shall remain in full force and effect.

SECTION 5. That correction of any scrivener's errors identified within Article 3 of this Chapter are hereby authorized by this ordinance.

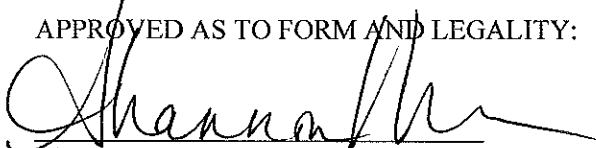
PASSED THIS 7th DAY OF October, 2019, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.


Presiding Officer of the City Council
of the City of Independence, Missouri

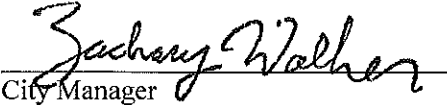
ATTEST:


City Clerk

APPROVED AS TO FORM AND LEGALITY:


City Counselor

REVIEWED BY:


City Manager

NOTE: Text being eliminated by this ordinance is bolded and lined through and text being added by this ordinance is bolded and underscored.